

REMARKS

In the previous office action mailed November 30, 2004 the Examiner has allowed claims 7 and 8 and has indicated that claims 3 and 4 would be allowable if rewritten in independent form.

Applicant has added new claim 13 which places claim 3 in independent form. However, independent claim 13 does not include the structure of previous claim 2. Incorporates the language of previous claim 1 and claim 3 instead. However it is believed that claim 13 retains the height detector which was regarded by the Examiner to be allowable in claim 3 and is therefore in proper form for allowance.

Claim 4 has been made to depend from claim 13.

Claim 1 has been amended to distinguish over the art cited by the Examiner. The Examiner cited the Owens reference as teaching all of the structure of previous claim 1. However, claim 1 as amended requires that the first and second handle each have an attachment end "pivotally mounted" to the pivot member "for rotation about a second pivot axis perpendicular to the horizontal pivot axis of the pivot member".

The Examiner has cited members 74 of the Owens reference as teaching the pivot member. However, the handles 18 are pivotally mounted only to the screed plate for pivotal movement about a horizontal axis. They are not pivotal about an axis perpendicular to the horizontal axis as is also required by claim 1. In other words, the handles are not pivotal about a vertical axis independently of one another as required by the present invention. This permits the angle of the handles to be maintained the same while at the same time permitting one handle to be pushed forward and the other to be pulled rearward so as to change the angle of the screed plate.

While the Examiner has not cited the previous Suckow reference Patent No. 6,374,579, claim 1 distinguishes over this Suckow reference as well. It requires a pivot member which is pivotally mounted to the screed plate and requires the first and second handles to be pivotally mounted to the pivot member. The Suckow reference shows the handles pivotally mounted to the screed plate, but they are not pivotally mounted to a pivot member which is also pivotally mounted to the screed plate as required by claim 1.

Accordingly, claim 1 patentably distinguishes over the art cited by the Examiner.

Claims 2, 5 and 6 depend from claim 1 and are patentable for the reasons set forth as to that claim.

Claims 7 and 8 have been allowed.

Accordingly Applicant respectfully requests that a Notice of Allowance be issued.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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